



Appeal Decision

Site Visit made on 18 May 2021

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 June 2021

Appeal Ref: APP/D1590/D/21/3268955

92 Willingale Way, Thorpe Bay, SS1 3SX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr K Thedchanamoorthy against the decision of Southend-on-Sea Borough Council.
- The application Ref 20/01663/FULH, dated 7 October 2020, was refused by notice dated 4 December 2020.
- The development proposed is described on the application form as: 'proposed aesthetic alterations to front including new replica stonework fascia, with balustrade over, and new canopy over existing veranda. New covered store to side elevation'.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant's grounds of appeal state that an amended plan has been submitted with this appeal which includes a '1.8 metre high obscure/frosted screen to the northern side of the proposed balcony enlargement'. No such plan was received with the appeal. However, I have considered the possibility of imposing a planning condition in relation to this matter.

Main Issues

3. The main issues are as follow:
 - The effect of the proposed development upon the character and appearance of the host property and the surrounding area.
 - The effect of the proposed development upon the living conditions of the occupiers of 94 Willingale Way (No 94), with particular regard to privacy.

Reasons

Character and Appearance

4. The host property is a two-storey detached dwelling, originally of traditional design, which incorporates some more recent modern features. The front elevation includes a balcony at first floor level with a solid white balustrade. The surrounding area on this side of Willingale Way primarily comprises of two storey detached properties, some of which have been extended and updated to incorporate modern design features, which are typically sympathetic to the design of the original dwellings.
5. The proposal would extend the existing balcony to the side towards No 94, over the roof of the existing garage. The proposed balcony would wrap around much

- of the primary elevation of the dwelling and would therefore dominate the frontage. This would result in the development appearing as out of scale with the host property.
6. The materials and detailing proposed would not be sympathetic to those of the host property. In particular, the replica stone columns, fibreglass balustrade and fibreglass canopy roof, would all be completely at odds with the more traditional appearance of the host property, even when having regard to the more recent modern design features.
 7. Taking into account the dominant size and scale of the development, combined with the materials proposed, I conclude that the proposed development would result in an incongruous feature in the street scene. As a result, it would not be in keeping with the character and appearance of the surrounding area, where dwellings have been modernised and extended more sympathetically.
 8. The proposed development would therefore be contrary to Policy CP4 of the Southend-on-Sea Core Strategy (Core Strategy) and Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (DMD), which seek in part to ensure high quality design that respects the character and appearance of the surrounding area. Core Strategy Policy KP2 is not referred to in the Council's reason for refusal in respect of character and appearance. However, I consider that the proposed development would also conflict with this policy, as it seeks to ensure that development respects the character of the existing surroundings.
 9. The proposed development would also conflict with the advice contained within the Supplementary Planning Document 1 - Design and Townscape Guide (SPD), which outlines that where new balconies are proposed on existing buildings, care needs to be taken to ensure that the design is of a high quality and of an appropriate style for the period of property. The development would also conflict with the design principles set out in the National Planning Policy Framework (the Framework).

Living Conditions

10. The proposed balcony would extend over the existing garage which is located adjacent to the boundary with No 94. This would mean that views could be obtained from the balcony into the ground floor front and side facing windows of this neighbouring property. Due to the close proximity of the proposed balcony to these neighbouring windows, the proposed development would result in an adverse impact upon the privacy of the occupiers of No 94. There is some planting to this boundary, but its sporadic nature is such that it would not sufficiently mitigate the loss of privacy.
11. I accept that the primary view from the proposed balcony would be towards Willingale Way. However, a significant portion of the balcony would overlook No 94. The appellant has suggested that a privacy screen could be incorporated to mitigate any loss of privacy to the occupiers of No 94. However, I consider that any such privacy screen would itself be a prominent feature which would further exacerbate the harm I have already identified in relation to character and appearance. Indeed, the SPD states that; whilst obscure screens can be used, they should not be at the expense of good design. For these reasons, I do not consider that such a condition would make the development acceptable in this instance.

12. The proposed development would therefore be contrary to DMD Policies DM1 and DM3, Core Strategy Policy CP4 and the SPD, which each seek in part to protect the living conditions of neighbouring occupiers.
13. The Council's reason for refusal in relation to living conditions refers to Core Strategy Policy KP2. This policy is not relevant to this main issue.

Other Matters

14. The Appellant has cited additional considerations, but these primarily relate to the principle of development and highways. The Council did not consider that any significant harm would result in these respects and I agree with the Council's approach. Moreover, any impacts here would be neutral in effect, rather than beneficial. Therefore, these factors do not outweigh my conclusions with regard to the main issues.

Conclusion

15. I have found that the proposed development would be harmful to the character and appearance of the host property and the surrounding area. Additional harm would arise as a result of a loss of privacy to the occupiers of No 94. Harm to living conditions could not be sufficiently mitigated through the imposition of conditions. Even if it could, this would not outweigh the harm I have identified in relation to character and appearance. Therefore, having considered all other matters raised, I conclude that the appeal should be dismissed.

Luke Simpson

INSPECTOR